

USSN 10/616,028; BH-10778

REMARKS

The Office Action rejected Claims 1-19. Applicant cancelled claims 4, 7, and 19; amended claims 1-3, 8, and 11; and added new claims 20-27. Claims 1-3, 5, 6, 8-18 and 20-27 remain. Applicant respectfully requests that the Examiner reconsider and withdraw the rejections.

Claim Rejections - 35 USC § 102

The Office Action rejected Claims 1, 5 and 7-9 as being anticipated by United States Patent Number 5,201,530 to *Kelch et al.* ("Kelch"). Applicant asserts that the rejection of dependent claim 7 was improper. Applicant inserted the feature recited in dependent claim 7 into independent claim 1, and cancelled claim 7. Independent claim 1 now recites, *inter alia*, that the first set of bristles "extend[] further from" the brush seal than the second set of bristles (located between the side plate and the first set of bristles). Kelch fails to disclose or to suggest such a feature. Rather, Kelch displays the bristles located furthest away from the back plate as being longer than the bristles located closest to the back plate. None of the remaining cited references provide a motivation for such a modification. Applicant requests that the Examiner reconsider and withdraw the rejection.

The Office Action rejected Claims 1-5, 7-9, 11, 12, 14, 15 and 17-19 as being anticipated by United States Patent Number 5,480,165 to *Flower* ("Flower"). With respect to the rejection of claim 19, Applicant cancelled claim 19. With respect to the rejection of claims 1-5, 7-9, 11, 12, 14, 15, 17 and 18, independent claims 1 and 11 both now recite, *inter alia*, that the second set of bristles (claim 1)/set of non-contacting bristles (claim 11) "abut[]" the first set of bristles (claim 1)/set of contacting bristles (claim 11) "substantially along [the] length" of the second set of bristles/set of non-contacting bristles. Flower fails to disclose or to suggest such a feature. Figure 6 of Flower displays a spacer ring 25 located between the bristle rows, such that "the bristles of the first row contact the bristles of the second row for a part only of their respective lengths, with that contact being concentrated towards the tip ends of the bristles." (Flower, Col. 5, ll. 45-48). None of the remaining cited references provide a motivation for such a modification. Applicant requests that the Examiner reconsider and withdraw the rejection.

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Claim Rejections - 35 USC § 103

The Office Action rejected Claims 6 and 13 as being unpatentable over Flower. As discussed above, independent claims 1 and 11 define inventions that are patentable over Flower. None of the remaining cited references overcome the shortcomings of Flower. For at least this reason, the rejection of dependent claims 6 and 13 should be withdrawn. Applicant requests that the Examiner reconsider and withdraw the rejection.

The Office Action rejected Claim 10 as unpatentable over Kelch in view of United States Patent Number 6,457,719 to *Fellenstein et al.* ("Fellenstein"). As discussed above, independent claim 1 defines an invention that is patentable over Kelch. Neither Fellenstein nor the remaining cited references overcome the shortcomings of Kelch. For at least this reason, the rejection of dependent claim 10 should be withdrawn. Applicant requests that the Examiner reconsider and withdraw the rejection.

The Office Action rejected Claims 10 and 16 as being unpatentable over Flower in view of Fellenstein. As discussed above, independent claims 1 and 11 define inventions that are patentable over Flower. Neither Fellenstein nor the remaining cited references overcome the shortcomings of Flower. For at least this reason, the rejection of dependent claims 10 and 16 should be withdrawn. Applicant requests that the Examiner reconsider and withdraw the rejection.

Other Claim Amendments

Applicant made several changes to the claims that were not in response to the rejections made in the Office Action. These changes neither narrowed the scope of the claim, nor were they made for reasons related to patentability. Specifically, Applicant modified dependent claims 2 and 3 to conform to the changes made to independent claim 1 (*e.g.* removal of "characteristic" from claim 1); cancelled dependent claim 4 as redundant in light of amended independent claim 1; and modified claim 8 to depend from a non-cancelled claim. None of these changes introduced new matter.

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Newly Added Claims

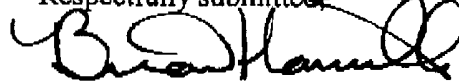
Applicant added new claims 20-27. The disclosure as originally filed provides support for the newly added claims. For example, support for claim 20 appears in paragraphs 30-33 of the specification; and support for claims 21-27 appears in original claims 2, 3, 5, 6 and 8-10, respectively. The newly added claims define inventions that are patentable over the cited reference.

Conclusion

In light of the foregoing, Applicant submits that the claims are now in condition for allowance. Applicants request that the Examiner reconsider and withdraw the restriction requirement and rejection. Applicants solicit the allowance of Claims 1-3, 5, 6, 8-18 and 20-27 at an early date.

Applicants authorize the Commissioner to charge the \$72 fee ($4 \times \$18 = \72) due under 37 CFR 1.16(c) for the presentation of four (4) claims in excess of twenty (20), and any fee due under 37 CFR 1.16 or 17, or to credit any overpayments, during prosecution of this Application, to Deposit Account Number 21-0279.

Respectfully submitted,



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Newly Added Claims

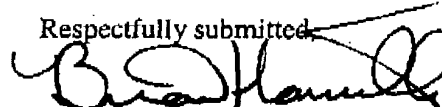
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